

## **EXHIBIT 1**

**From:** Ricchiuto, Anne K. <[anne.ricchiuto@faegredrinker.com](mailto:anne.ricchiuto@faegredrinker.com)>  
**Sent:** Friday, September 17, 2021 12:28 PM  
**To:** Harriet Hageman <[harriet.hageman@ncla.legal](mailto:harriet.hageman@ncla.legal)>; Jenin Younes <[jenin.younes@ncla.legal](mailto:jenin.younes@ncla.legal)>  
**Cc:** Gutwein, Stephanie L. <[stephanie.gutwein@faegredrinker.com](mailto:stephanie.gutwein@faegredrinker.com)>  
**Subject:** RE: Surreply & Answer extension

Harriet,

We anticipate filing our sur-reply just as soon as we can.

With respect to witnesses: if we call a witness to testify, it will be Dr. Zervos. We have not yet decided whether we will call him to testify.

**From:** Harriet Hageman <[harriet.hageman@ncla.legal](mailto:harriet.hageman@ncla.legal)>  
**Sent:** Thursday, September 16, 2021 11:59 AM  
**To:** Ricchiuto, Anne K. <[anne.ricchiuto@faegredrinker.com](mailto:anne.ricchiuto@faegredrinker.com)>; Jenin Younes <[jenin.younes@ncla.legal](mailto:jenin.younes@ncla.legal)>  
**Cc:** Gutwein, Stephanie L. <[stephanie.gutwein@faegredrinker.com](mailto:stephanie.gutwein@faegredrinker.com)>  
**Subject:** RE: Surreply & Answer extension

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Anne:

Thank you for the email. We will not oppose either motion, but would greatly appreciate it if your sur-reply could be filed no later than tomorrow so that we will have the weekend to review it.

As for the witness, we will be calling Hooman Noorchashm, MD, PhD.

Are you planning to call any witnesses?



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**From:** Ricchiuto, Anne K. <[anne.ricchiuto@faegredrinker.com](mailto:anne.ricchiuto@faegredrinker.com)>

**Sent:** Thursday, September 16, 2021 8:38 AM

**To:** Harriet Hageman <[harriet.hageman@ncla.legal](mailto:harriet.hageman@ncla.legal)>; Jenin Younes <[jenin.younes@ncla.legal](mailto:jenin.younes@ncla.legal)>

**Cc:** Gutwein, Stephanie L. <[stephanie.gutwein@faegredrinker.com](mailto:stephanie.gutwein@faegredrinker.com)>

**Subject:** Surreply & Answer extension

Harriet and Jenin,

I am writing with two requests for you to consider and two questions:

1. We intend to file a motion for leave to surreply to your new argument that MSU lacks authority to require vaccinations. May we show this motion for leave as unopposed?
2. Our deadline to respond to the Complaint is the day after the hearing, September 23. Will you consent to an extension of time until October 14 for our response?

It is my assumption that you have decided not to file a motion to continue the hearing; is that correct? Finally, can you please let me know which, if any, witnesses you intend to call at the hearing next week?

Thanks very much.

Anne

**Anne K. Ricchiuto**

Partner

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